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SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued). (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, 120, 125, 136, 152, 174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, 184, 201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, 307, 330, A/48/355-S/26390, A/48/357, 370, 394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, 446, 484, 496 and 564)

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AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. NOBILO (Croatia), referring to items 114 (b) and (c), said that his delegation commended the results of the World Conference on Human Rights held in Vienna in June 1993 and strongly endorsed its conclusion that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. It was profoundly committed to the implementation of the decisions of that Conference, and in particular the establishment of a High Commissioner for Human Rights. That post should not only coordinate the activities of human rights mechanisms, but should take an active role in addressing violations, especially those which could lead to armed conflict. If the international community had responded in a proper and timely way to the gross violations of those standards by the Serbian authorities, the ensuing carnage and destruction might not have taken place. As a signatory to the major human rights instruments, Croatia urged all States to accede to them, in line with the recommendation of the World Conference.

2. By virtue of their scope and gravity, the violations occurring in the region of Croatia challenged the very principles which formed the basis for international human rights norms. Indeed, the manner in which those violations were addressed by the international community would determine whether future relations among and within States would be guided by respect for the principles

(Mr. Nobilo, Croatia)

of human rights or by the rule of force. While welcoming the establishment of the International Tribunal for the former Yugoslavia, Croatia lamented the low level of resources allocated to that Tribunal, as well as its slow progress, and stressed that such problems must be rectified if the Tribunal was to be truly effective.

3. One of the great concerns of Croatia was the systematic violation of the human rights of the remaining Croats and other non-Serbs in the United Nations Protected Areas and the "pink zones" within Croatia. Deplorably, few such persons remained since they had been the first victims of the policy of "ethnic cleansing". In his latest report (A/48/92-S/25341), the Special Rapporteur of the Commission on Human Rights had stated that organized and massive ethnic cleansing of Croats and other non-Serbs had been carried out in the occupied areas of Croatia.

4. The status of human rights in Serbia and Montenegro, particularly the treatment of the non-Serbian populations, was also alarming, as were the gross violations of the rights of the Albanians in Kosovo. Such conditions were causing extreme friction in the region and could lead to violent conflict.

5. Croatia was likewise distressed by the ill-treatment of the Slavic Muslims by Serbian and Montenegrin authorities in the Sandzak region, and by the terrorization and forcible displacement of non-Serbs in Vojvodina by Serbian paramilitaries, who operated with the apparent blessing of the authorities. Some 35,000 Croats had been driven out of Vojvodina by Serbian national groups, and indeed the Croatian population that had lived in that region for centuries was in danger of disappearing forever.

6. Furthermore, the conflict in Bosnia and Herzegovina had deteriorated from a case of clear-cut Serbian aggression against Muslims and Croats to a lawless, patternless war of valley against valley among all three groups. Croatia was engaged in a major effort to restore law and order and to prevent both further human rights violations and interference with humanitarian convoys.

7. Such a situation might not have arisen had the international community reacted promptly instead of sending contradictory signals at the early stages of the Serbian aggression. Croatia strongly condemned all violations of humanitarian law in Bosnia and Herzegovina by any party, including extremist Bosnian Croat forces, and deplored the destruction of the Old Bridge in Mostar. Unfortunately, the world had focused on the crimes committed by a few Bosnian Croats, while ignoring the suffering endured by hundreds of thousands. In fact, Serb and Montenegrin forces had ethnically cleansed the Bosnian Croat population in 1991, making that population the first victims of that atrocious practice. Owing to ethnic cleansing by Serbian forces as well as to Bosnian Muslim offences, the Bosnian Croats were either in great danger or had virtually ceased to exist in many regions of Bosnia and Herzegovina: they were now confined to about 10 per cent of the national territory. Vast numbers had been killed, and near half had been forced to move. Many were enclosed in enclaves in Central Bosnia.

(Mr. Nobilo, Croatia)

8. However, neither the Special Rapporteur nor the international media had been able to report fully on the massacres of Bosnian Croats, because so many had taken place in inaccessible regions. The report of the Special Rapporteur had, however, cited a series of massacres of unarmed Bosnian Croats by Muslim extremists that had been carried out in many towns throughout the area.

9. And yet, despite the occupation of one quarter of its territory and the daily threat of war, Croatia was successfully engaged both in the transition from a communist to a democratic society and in State-building. It would welcome constructive criticism of its own human rights record and would, where necessary, undertake measures to improve its performance. Observers from the Conference on Security on Cooperation in Europe were currently monitoring the confidence-building process under way in Croatia.

10. Lastly, Croatia appealed to the international community to assist it in its transformation to a prosperous democratic society. Through the implementation of relevant Security Council resolutions, including those that dealt with the return of displaced persons and refugees, the punishment of the parties responsible for ethnic cleansing and the restoration of Croatian authority to those regions of Croatia currently under occupation by Serbian paramilitaries, the international community must demonstrate its willingness to stand by its principles and not permit those who violated them to be rewarded.

11. Mr. VIGNY (Observer for Switzerland), commenting on item 114 (b), said that, in spite of a number of weaknesses, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights represented a global consensus on the controversial but fundamental issues of human rights, and should thus enable the international community to meet the challenges of the turn of the century. Switzerland hoped that the General Assembly would give its full support to that document.

12. Four significant points required mention. Firstly, Switzerland agreed that the Centre for Human Rights should be allocated an increase in staff and budget. It also hoped that once the Vienna Declaration and Programme of Action had been adopted by the General Assembly, action could rapidly be taken to allocate funds for the implementation of that document.

13. Secondly, the Swiss Government had been entrusted, following the declaration adopted by the International Conference for the Protection of War Victims, with the task of convening an intergovernmental group of experts to seek practical means of promoting respect for humanitarian law and to prepare a report for States as well as for the next International Conference of the Red Cross and Red Crescent. In the view of Switzerland, the principles of human rights and humanitarian law should be reconciled for application to situations of non-international armed conflict, in which gross violations of those standards often occurred. It was urgent that the international community should promptly set out specific minimal standards in conformity with international human rights instruments and humanitarian law that could be applied in all situations and by all concerned States.

(Mr. Vigny, Observer, Switzerland)

14. Thirdly, Switzerland had helped to initiate the proposal, contained in the Vienna Declaration, calling for the prompt adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which aimed to establish regular visits to places of detention, and hoped that it could be implemented without delay.

15. Fourthly, Switzerland strongly endorsed the proposal to create the post of High Commissioner for Human Rights, who in its view should be elected by the General Assembly, at the recommendation of the Secretary-General, for a renewable four-year term, and should be ranked at the level of Under-Secretary-General. Aside from coordinating, integrating and implementing human rights activities, such an office should have as its central task the prevention of and response to grave human rights abuses. It should also be empowered to initiate action, in consultation with the Secretary-General, including contacting concerned Governments and dispatching fact-finding missions.

16. Mr. PANTIRU (Republic of Moldova) said that, for Moldova, the debate on human rights was no mere academic exchange but represented the valuable possibility of finding practical solutions to the challenges that country faced. The World Conference on Human Rights had reaffirmed the universality of those values, the international commitment to which had indeed enabled Moldova to be reintegrated into the world community after 50 years of forced separation. Immediately following independence, that country had, however, been torn apart by the ideological conflicts that had erupted with the collapse of the Soviet empire. Regrettably, while the Moldovan authorities endeavoured to abide by their commitments to human rights, those principles were being ignored in the eastern districts, which remained under the separatist control of the so-called Transdniestr authorities.

17. The deplorable situation that prevailed in that region stood in sharp contrast to the clear intent of the Government of Moldova to build a modern democratic State governed by the rule of law in observance of international human rights standards. The violations occurring there were well documented, and had been extensively considered by the Committee at the previous session. A paramount example was the trial of Ilie Ilascu and four others who faced death penalties for having engaged in political dissent. Despite appeals by the Council of Europe, the European Union and Amnesty International for its transfer to legitimate Moldovan jurisdiction, that Stalinist-type trial was continued.

18. The crisis in Moldova illustrated the possible consequences of interference by external armed forces in the domestic affairs of another State for the promotion of their own geo-political interests under the pretext of the defence of rights of linguistic minorities. Furthermore, the issue of the withdrawal of that foreign army had been unjustifiably linked with the concept of human rights. It was important that the United Nations and other international bodies should become aware of attempts on the part of some States to use unfounded allegations of breaches of the human rights of certain linguistic groups for political ends, and should adapt their responses accordingly. Such distortions led to bloody conflicts which could jeopardize the territorial integrity and sovereignty of the newly independent States.

(Mr. Pantiru, Republic of Moldova)

19. Lastly, Moldova did not lay claim to a perfect human rights record, and was open to international monitoring of its overall human rights performance.

20. Mr. VORONTSOV (Russian Federation), referring to item 115, said that, in the year since the adoption of General Assembly resolution 47/115, on the situation of human rights in Estonia and Latvia, there had unfortunately been no significant improvements. As described in detail in document A/C.3/48/18 on that item, from the beginning of 1993 the Estonian authorities had adopted a number of legislative and administrative acts, which, contrary to the recommendations of international experts, had worsened the situation of a significant part of the population. Those acts involved laws on aliens and elementary and secondary schools and decrees adopted by municipal councils. A mechanism for deporting military pensioners had been set up in Estonia under a decree regulating the issuance of residence permits to retired foreign military personnel and members of their families. As a result, 44,000 Russian military pensioners and family members were under the threat of deportation.

21. The situation in Latvia was no less alarming. No citizenship law had as yet been adopted there and, as a result, local officials continued, in many cases, to act in an arbitrary fashion. A law on municipal elections currently being drafted would deprive more than a third of Latvia's permanent residents of their right to vote. Practical measures for deporting part of the Russian-speaking population were being prepared in that country. Approximately 1,000 deportation orders with instructions to leave Latvia within seven days without the right to re-enter the country had already been drawn up.

22. The concern of the Russian Federation about the problems of the Russian-speaking population in Latvia and Estonia did not reflect any tendentious attitude on its part towards those two countries. Missions sent there by the United Nations, the Conference on Security and Cooperation in Europe, the Council of Europe and non-governmental human rights organizations had noted in their recommendations that there were real problems in Latvia and Estonia which should be addressed by the international community. All the reports and studies by impartial international experts indicated that problems involving hundreds of thousands of so-called "non-citizens" (more than a third of the population of Estonia and 40 per cent of the population of Latvia) had existed and, unfortunately, continued to exist. Those experts also agreed that the implementation of legislation in those countries did not provide adequate protection for the human rights of large groups of the population. Specific instances of the arbitrary interpretation and enforcement of such laws and numerous abuses by the authorities had been cited. The experts had also submitted moderate recommendations to the Governments of Latvia and Estonia on resolving the situation, most of which, unfortunately, were ignored and, often, not even made public.

23. The Latvian and Estonian authorities denied the existence of human rights problems in their countries or claimed that existing violations were of an isolated nature. It was incomprehensible how one could justify the fact that tens of thousands of persons were being deprived not only of political but also of economic and social rights. The Estonian and Latvian authorities often tried

(Mr. Vorontsov, Russian Federation)

to justify the measures adopted as "natural" actions to deal with the consequences of the Soviet period. Blaming one's contemporaries for mistakes made by politicians in the past and for the crimes of Stalin's regime only because they were Russian was, at the very least, immoral. His delegation hoped that the Latvians and Estonians would realize that the path of hatred, a direct result of artificial segregation in society, led nowhere and that genuine democracy was not selective.

24. Russia had been conducting bilateral negotiations with Estonia and Latvia on many issues. Unfortunately, no progress had been achieved on the question of citizenship. Estonia had persistently ignored appeals by the Russian Federation to discuss a special agreement on settling that issue. A treaty on inter-State relations signed by the Russian Federation and Latvia in January 1991 had never been ratified because of Latvia's position on the matter. In short, it had not been possible to solve the problems related to citizenship at the bilateral level because Estonia and Latvia were not cooperating in practical terms. Under those conditions, Russia had no other choice but to appeal to the international community through the United Nations to protect the rights of hundreds of thousands of people in those two countries. It should be noted that even the small improvements in Latvian and Estonian legislation had been possible only because the situation in those countries was being monitored by the international community.

25. It was important to maintain the involvement of the United Nations in monitoring the situation in Latvia, where a basic law on citizenship was being drafted. The United Nations and other international organizations must not be indifferent to the development of the human rights situation in Latvia and Estonia. By continuing to consider that question, the Organization could help to create a climate of national accord and civil peace in those countries. His delegation was prepared to do what was required to achieve a reasonable compromise. Lastly, he hoped that Member States would approach that question with the responsibility that it merited as a human rights issue.

26. Mr. McKINNON (New Zealand), speaking on items 114 (b) and (c), stressed the need to maintain the momentum achieved at the Vienna World Conference on Human Rights in order to carry out the proposals set forth in the Vienna Declaration and Programme of Action. In spite of the overwhelming endorsement given in Vienna, the role of the United Nations in protecting and promoting human rights continued to meet resistance in some quarters. The Organization's educational and preventive mechanisms were of primary importance. Through its advisory services and technical assistance in human rights, the United Nations gave Governments practical assistance in setting up national legislation and machinery for promoting human rights. Its public information campaign enhanced awareness of, and respect for, human rights.

27. New Zealand fully supported the work of the treaty monitoring bodies, which helped develop a conceptual understanding of the rights laid down in the various international instruments. The thematic procedures also played an important role by providing a more comprehensive understanding of the nature and causes of

(Mr. McKinnon, New Zealand)

violations. When countries persisted in violating human rights, the United Nations must take appropriate action. His country continued to be appalled at the human rights violations and other abuses occurring in the former Yugoslavia. By establishing the International Tribunal to prosecute persons responsible for serious violations of international humanitarian law, the international community had reaffirmed its determination not to allow the vile practice of "ethnic cleansing" and other abuses to go unpunished. New Zealand would continue to support initiatives by the Commission on Human Rights to end those abuses.

28. He was dismayed that the people of Iraq continued to be ruthlessly oppressed by their own authorities. The reports of massive attacks by the Iraqi military against the civilian population, especially in the southern marsh areas, was a matter of the gravest concern. His delegation once again appealed to the Government of Iraq to put an end to such brutality. New Zealand was concerned about the reports of continued human rights violations in the Islamic Republic of Iran and urged the Government of that country to resume cooperation with the international community. He called upon the military leaders in Haiti to honour the Governors Island Agreement and bring about the earliest possible return to democratic rule. The efforts made thus far by the United Nations and the Organization of American States to resolve the political crisis had been commendable.

29. It was very disappointing that, despite repeated requests by the Commission on Human Rights and the General Assembly, the Special Rapporteur on the situation of human rights in Cuba had still not been able to visit that country. The Cuban Government should take prompt action to enable the Special Rapporteur to carry out his important mandate. New Zealand welcomed the recent efforts to achieve a political solution in Afghanistan and hoped that they would continue.

30. The human rights situation in Myanmar remained a serious concern. Although there had been incremental improvements, the refusal by the State Law and Order Restoration Council to allow the democratically elected Government of Myanmar to take office was deplorable. His delegation urged the Myanmar authorities to ensure full respect for human rights and accelerate the process of political dialogue. The report of the Special Rapporteur on the situation of human rights in the Sudan noted that grave human rights violations had taken place there, including extrajudicial and summary executions, disappearances, systematic torture and arbitrary arrest. New Zealand called upon the Government of the Sudan to comply with applicable international human rights instruments and urged all parties to the conflict in that country to respect basic human rights.

31. His delegation would continue to participate in international efforts to resolve the situation in Somalia. Lastly, he said that New Zealand regretted the resurgence in violence in El Salvador and called upon the Salvadorian Government to ensure that those responsible for the murder of members of the Frente Farabundo Martí para la Liberación Nacional would be brought to justice.

AGENDA ITEM 111: ADVANCEMENT OF WOMEN (continued) (A/C.3/48/L.5, L.30-L.35 and L.41/Rev.1)

Draft resolution A/C.3/48/L.5

32. Draft resolution A/C.3/48/L.5 was adopted without a vote.

Draft resolution A/C.3/48/L.30

33. Draft resolution A/C.3/48/L.30 was adopted without a vote.

Draft resolution A/C.3/48/L.31

34. The CHAIRMAN said that Afghanistan, Guyana, Israel and Singapore had also joined as sponsors.

35. Mr. TESSEMA (Ethiopia), Mr. FITSCHEN (Germany), Mr. AGGREY (Ghana), Mr. NOACK SIERRA (Guatemala), Mr. INUSA (Nigeria), Ms. LAMEIRESCU (Romania) and Mr. ANDRIAKA (Ukraine) announced that they, too, wished to join the sponsors.

36. Draft resolution A/C.3/48/L.31 was adopted without a vote.

Draft resolution A/C.3/48/L.32

37. The CHAIRMAN said that Afghanistan had also become a sponsor.

38. Mrs. MBELLA-NGOMBA (Cameroon), Mr. TROTTIER (Canada) and Mrs. LIMJUCO (Philippines) announced that they too, wished to join the sponsors.

39. Draft resolution A/C.3/48/L.32 was adopted without a vote.

Draft resolution A/C.3/48/L.33

40. The CHAIRMAN said that the draft resolution had been introduced and orally revised by the representative of Colombia on behalf of the sponsors at the 41st meeting.

41. Draft resolution A/C.3/48/L.33 was adopted without a vote.

Draft resolution A/C.3/48/L.34

42. The CHAIRMAN said that the draft resolution had been introduced and orally revised by the representative of Mongolia on behalf of the sponsors at the 41st meeting, and that Turkey had also joined as a sponsor.

43. Mr. GHAFOORZAI (Afghanistan), Mrs. DROZD (Belarus), Mr. KASOULIDES (Cyprus), Mr. ROSENBERG (Ecuador), Mr. SEYOUM (Eritrea), Mr. NOACK-SIERRA (Guatemala), Mrs. JONSDOTTIR-WARD (Iceland), Ms. MURUGESAN (India) and Mr. MAZLAN (Malaysia) announced that they, too, wished to join the sponsors.

44. Draft resolution A/C.3/48/L.34 was adopted without a vote.

Draft resolution A/C.3/48/L.35

45. The CHAIRMAN said that the draft resolution had been introduced and orally revised by the representative of the Philippines on behalf of the sponsors at the 41st meeting.

46. Mr. AGGREY (Ghana) and Mr. ROSENBERG (Ecuador) announced that they wished to join the sponsors.

47. Draft resolution A/C.3/48/L.35, as orally revised, was adopted without a vote.

Draft resolution A/C.3/48/L.41/Rev.1

48. Ms. PICO ESTRADA (Argentina) and Mr. KASOULIDES (Cyprus) said that they wished to join the sponsors of the draft resolution.

49. Mrs. ALVAREZ (Dominican Republic), introducing the draft resolution on behalf of the sponsors, noted that it was self-explanatory and that the ultimate objective of restructuring must be to strengthen and enhance the effectiveness of programmes for the advancement of women.

50. Draft resolution A/C.3/48/L.41/Rev.1 was adopted without a vote.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/48/L.13/Rev.1)

Draft resolution A/C.3/48/L.13/Rev.1

51. Mr. SAHRAOUI (Algeria), introducing the revised draft resolution on behalf of the Group of African States, said that two basic revisions had been made, namely, the removal of "s" from the word "peoples" in paragraph 9 and the addition of paragraph 17. That paragraph, which would enable the Secretary-General to submit proposals for supplementing the Programme of Action for the Third Decade, was the most logical solution. That flexible approach could be extended to other decades adopted by the United Nations.

52. Draft resolution A/C.3/48/L.13/Rev.1 was adopted without a vote.

Statements in exercise of the right of reply

53. Mr. AINSO (Estonia) said that the Treaty on Basic Relations between the Republic of Estonia and the Russian Federation had settled the question of citizenship in a definitive way. The Treaty provided that everyone could choose his citizenship and that citizenship was to be granted in accordance with the legislation of the country concerned. Estonia was strictly observing the provisions of the Treaty: everyone in Estonia could choose his citizenship, which was granted in accordance with due process of law. His Government was

(Mr. Ainso, Estonia)

alarmed at the persistent efforts by the Russian Federation to change the provisions of the Treaty concerning citizenship.

54. Mr. ORDZHONIKIDZE (Russian Federation) said that the situation in Estonia, where hundreds of thousands of Russian speakers had not been given Estonian citizenship was intolerable. After the collapse of the Soviet Union, most of the newly independent States that had been part of the USSR had adopted legislation under which all citizens situated in their territory at the time of the proclamation of independence had been declared citizens of the State concerned, if they so wished. Latvia and Estonia were the only States of the former Soviet Union that had not adopted such legislation. The complaint by the Russian Federation was that Estonia and Latvia were depriving residents of those countries who wished to live there of the possibility of obtaining citizenship.

55. With the dismantling of the apartheid regime in South Africa, a new constitution was being drawn up granting citizenship to all persons residing in the territory of that country. Even the leaders of that formerly racist State had accepted such an arrangement. A similar approach, unfortunately, could not be found in Estonia and Latvia, where an attempt was being made to expel the Russian-speaking population. Until that question was resolved in a bilateral or multilateral manner, the Russian Federation could not be indifferent to the fate of the hundreds of thousands of Russian speakers in those countries.

The meeting rose at 12.15 p.m.